

EXHIBIT U

From: Connor, James <connorja@SEC.GOV>
Sent: Monday, January 15, 2024 10:53 PM
To: Kornblau, David; Staren, Devon; Cuellar, Carina; Meehan, Laura; Carney, Christopher; Landsman, Roger J
Cc: Henkin, Douglas W.; Califano, Mark G.; Pellegrino, Louis A.; Gomez Nelson, Melissa; Lafferman, Matthew A.; Margolis, Justine N.; Stovall, Amianna; David Patton; Mike Ferrara; Andrew Chesley; Sean Hecker
Subject: RE: SEC v. Terraform Labs -- SEC Motions in Limine

[WARNING: EXTERNAL SENDER]

Dear Counsel:

This responds to your email requesting the admissible evidence that our summary witnesses may discuss during their examinations. Summaries or charts may be admitted into evidence “to prove voluminous writings, recordings, or photographs that cannot be conveniently examined in court.” Fed. R. Evid. 1006. The Second Circuit has “repeatedly approved” of this “common procedure.” *United States v. Conlin*, 551 F.2d 534, 538 (2d Cir. 1977); *see, e.g., United States v. Blackwood*, 366 F. App’x 207, 212 (2d Cir. 2010) (summary of voluminous phone records); *United States v. Quattrone*, 441 F.3d 153, 168 n.17 (2d Cir. 2006) (“testimony regarding summaries of emails and phone calls”). In providing this mechanism to streamline courtroom presentation and aid jury deliberation, Rule 1006 requires that “the underlying documents also constitute admissible evidence and are made available to the adverse party.” *Tamarin v. Adam Caterers, Inc.*, 13 F.3d 51, 53 (2d Cir. 1993).

Our first summary witness may discuss the following admissible evidence: Plaintiff’s Exhibit Nos. 1, 87, 88, 89, 90, 92, 93a, 93b, 95, 96, 98, 99, 101, 102a, 102b, 103a, 103b, 130c, 137, 138a, 138b, 140, 141a, 141b, 141a, 142b, 143a, 145a, 145b, 146a, 146b, 147a, 147b, 147c, 147d, 147e, 148a, 148b, 149, 150a, 150b, 151, 152a, 152b, 153, 154, 155, 156, 158, 159, 160, 161, 162a, 163, 154, 166, 168, 171, 172, 173, 218, 222, 223, 224, 227, 229, 245a, 245b, 246a, 246b, 246c, 247, 248, 251, 252, 255, 257, 271, 278. We reserve the right to add or remove exhibits from this list.

Our second summary witness may discuss the following admissible evidence: Plaintiff’s Exhibit Nos. 56-64, 65a, 65b, 66, 67, 68, 69a, 69b, 70, 74, 75, 78, 79, 80, 81, 82, 83, 97, 215, 216, 217, 219, 220, 221, 225, 225, 226, 234, 258a, 258b, 259, 262, 263, 264, 281, 282, 283, 284, 285, 286, 287, 288, 289, 322. We also reserve the right to add or remove exhibits from this list.

Best Regards,

James P. Connor
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From: Connor, James
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Subject: SEC v. Terraform Labs -- SEC Motions in Limine

Dear Counsel:

Please see attached the SEC's memorandum in support of its motions *in limine*, served upon counsel of record in accordance with Rule 9 of Judge Rakoff's Individual Rules of Practice, along with the 15 exhibits referenced in the motion.

Best Regards,

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